

“yes” for an answer and won’t support the original proposal made by Budget Chairman RYAN of roughly \$70 billion in spending cuts. We know Congressman RYAN is hardly a liberal or a moderate. It shows how far to the right the Republican leadership is being forced to move by the tea party.

This level of spending cuts was good enough for House Republicans earlier this year when HAL ROGERS released his original proposal. But the tea party hollered, and House Republicans were forced to double their proposed spending cuts to an extreme level of \$61 billion. When that happened, HAL ROGERS said the House was moving beyond what was reasonable and into territory where they could never get a deal. TOM LATHAM of Iowa agreed that in forcing H.R. 1 to go from \$30 billion to \$60 billion in cuts, the tea party was forcing Republicans to go beyond what was “enactable.” These are conservative Republicans saying that the present House proposal is not enactable, cannot pass. Just as the tea party forced mainstream Republicans into extreme territory before, they are doing so again. Anyone who looks at this objectively sees that is what is happening.

The Speaker has said all along that he wants to avoid a shutdown at all costs. I believe him. He is a good man. The problem is, a large percentage of those in his party don’t feel the same way. They think “compromise” is a dirty word. They think taking any steps to avert a shutdown would mean being the first to blink. So Speaker BOEHNER is caught between a shutdown and a hard place. He has caught a tiger by the tail in the form of the tea party. There is even a tea party rally planned for later this week to pressure the Speaker not to budge off H.R. 1.

To try to mask the divisions on their own side, Republicans have resorted to lashing out in a knee-jerk way at Democrats. Their latest trick is trying to accuse Democrats of not having our own plan. That is a diversion. It rings hollow. The only proposals that have been made that would actually avoid a government shutdown are numerous compromises that Democrats have offered Republicans.

I would like to remind my House friends, as they all know, the Senate needs 60 votes to pass a bill. We can’t pass anything without Republican agreement. Yet our Senate Republican colleagues are nowhere to be found. Since the Senate rejected the Republican job-killing budget proposal that would cost Americans 700,000 jobs a month ago, Republicans have not moved an inch off their plan.

Speaker BOEHNER knows, when it comes to averting a government shutdown on April 8, it is the tea party, not the Democrats, that is causing the trouble. At this point, the only hurdle left to a bipartisan deal, the only obstacle in the way is the tea party. But for the tea party, we could have an agreement that reduces spending by a historic amount. We could have a deal that keeps the government open.

A tea party rebellion may hurt House Republican leadership politically, but a shutdown will hurt Americans, all Americans, much more. It is time for House Republican leaders to rip off the bandaid. Mr. Speaker, it is time to forget the tea party and take the deal. There are only 10 days left before the current CR expires. There is no new stopgap being prepared by House Republicans. It seems the only viable proposal is the one the Speaker walked away from. So the Speaker faces a choice: Return to the deal he was prepared to accept before the tea party rebelled last week or risk a shutdown on April 8. I think we know what the right answer is. It is clear. The Speaker has a choice: Appease the tea party and shut down the government or take the right and principled stand and move the government forward by coming to a reasonable compromise between both parties that cuts the budget significantly.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

REPEAL OF 1099

Mr. JOHANNES. Madam President, it feels a bit like *deja vu* standing here today discussing the ongoing saga of the 1099 repeal. Two weeks ago, I offered amendment No. 161 to the small business bill.

If we read all the press releases and the public statements, it appears that absolutely nobody could possibly oppose repeal of the 1099 requirement in section 9006 of the health care bill. Yet once again the other side is attempting to delay or derail the 1099 repeal by offering a second-degree amendment. I might have been open to a second-degree amendment when we started this process many long months ago. But now we are approaching the 1-year anniversary since we began fighting to repeal this unnecessary mandate. It had no place in the health care bill in the first place.

I can’t help but question why on Earth we are still swinging and missing at this one. Is it a lack of support in my caucus? The answer to that is no. Support amongst Republicans is absolutely unanimous. Lack of Republican support certainly has not held this up.

I ask myself if there is a lack of bipartisan support that is holding up the effort. The answer to that is also no. My colleague, the junior Senator from West Virginia, has cosponsored the last several versions of this repeal legislation in the Senate. Together, Senator MANCHIN and I have secured dozens of Democrats who strongly support the repeal, and 76 Democrats voted for identical 1099 repeal in the House of Representatives. Bipartisan support is enormously, if not unusually, strong.

Might our problem be a lack of support from the White House? The answer to that is also no. The President has publicly called for repeal of this 1099 mandate on several occasions in press

conferences. He even referenced it in his State of the Union Address.

Is it possible there is still confusion about how our small businesses feel about the mandate? That is not the case. The chorus of job creators opposing this mandate is almost deafening: the chamber of commerce, the National Federation of Independent Business, the American Farm Bureau Federation. I could go on and on listing organizations arguing for its repeal.

Has it been a controversial pay-for that has slowed down progress? Interestingly enough, an almost identical budgetary offset passed this Chamber unanimously only 4 months ago. Requiring someone to repay what was given to them erroneously is, plain and simple, good government.

Even Secretary of Health and Human Services Sebelius noted that repayment of improper subsidies is “fair for recipients and all taxpayers.” So arguments about the pay-for simply are hollow excuses to justify inaction.

Our job creators are seeing it for what it really is. It is more nonsense. It astounds me that we can seemingly pass benchmark after benchmark without going over the finish line. How can we make so much important progress only to be stymied again and again by some silent opposition?

My friends across the aisle have often complained about the slow pace of the Senate. They have blamed the other side of the aisle for preventing progress. Well, my side of the aisle has been ready for a long time to repeal this job-killing mandate. I want you to know we stand ready to vote.

Considering the high unemployment rates plaguing our country, it seems absolutely incomprehensible that we would waste even another day without addressing this mandate in the health care bill. Our job creators have watched dueling amendments and proposals and counterproposals. Well, that has gone on for 1 year.

I first circulated a Dear Colleague letter asking for cosponsors of this 1099 repeal in June of last year. When we introduced it in July, with 25 cosponsors, well, small businesses cheered. It gave them hope common sense would prevail in Congress and that partisanship is sometimes set aside to simply do the right thing.

But now they see there is yet again a delay tactic in the form of a second-degree amendment to the 1099 repeal. They have been frustrated time and time again—when it failed to advance in September and November and appeared stalled well into the new year.

Today, we have a simple choice: We can pass my amendment with strong bipartisan support and demonstrate we have the 60 votes necessary for the House version or we can pass the second-degree amendment and push this repeal off into limbo into Never Never Land yet again. We can actually fix the problem in a bipartisan way or we can continue to kick this can down the road.

If we pass the second-degree amendment, quite simply, what we have voted yes to do is delay the repeal of the 1099 amendment and eventually we are going to flirt with disaster on this and it will not get done.

We need to focus all our energy on helping our job creators grow and create more jobs, not force them into worrying about hiring more accountants. Pardon my boldness but there is no reason to delay. An identical version of my amendment passed the House with large bipartisan support: 314 to 112. I urge my colleagues, with all I have, to oppose the second-degree amendment my friend from New Jersey is proposing.

Let's be clear. This latest distraction from 1099 repeal is just that—it is a distraction. We all know it is not truly about a study to look at health care costs. If we want to do a study, put the amendment on some other piece of legislation. This is about derailing and delaying the 1099 repeal because if the second-degree amendment passes, it says: Instead of sending this to the President to become law, we need to go back to the drawing board.

While the proponents of the second-degree amendment will claim it is innocuous, make no mistake, it is designed to obliterate this amendment because of a budgetary offset. Again, I remind us, a similar offset was passed unanimously recently by the Senate. Just like a *Politico* article from yesterday noted: "Senate Democrats are working on an amendment that could kill the [Republicans' pay-for in the future]."

If the second degree passes, then we are essentially adding nearly \$25 billion to our debt over the next 10 years. While some may preach the virtues of pay-as-you-go rules, when it comes right down to it, they will undermine virtually any fiscally responsible pay-for.

So here we are again crossing the same bridge we have crossed so many times before. In fact, the Senate refused this idea when we rejected the Baucus amendment that repealed 1099 but was not paid for. That amendment fell 23 votes short of passage because it fiscally did not make sense.

So why are we still here aimlessly walking around in circles when we ought to be marching straight ahead? Why are we proposing to send this bipartisan legislation back to the House? Because that is what will have to happen, when it ought to go directly to the President's desk for signature.

Our vote today can send a message that we have all the votes necessary to get this done and get it on the President's desk and everybody can celebrate: our job creators, Democrats, Republicans, Independents.

The logic of the second-degree amendment is absolutely baffling. Here we are in the ninth inning and somehow our pay-for has become magically unacceptable, even after a similar pay-for was approved unanimously by the

Senate before. Where were all the objections? Where was the demand for further study when we unanimously approved a similar offset for the doc fix legislation?

Let me be very clear: A vote in favor of the second degree is a vote against our business and job creators. My amendment has been waiting for a vote for 14 days now, and the repeal has been pending for nearly 1 year. Isn't enough enough?

The time for delay and further study must be over. Let's pass my amendment today by an overwhelming vote of the Senate. Let's reject the second degree. Let's get this piece of legislation to the President for his signature and we can all celebrate. Small businesses, our job creators, deserve no less.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

GOVERNMENT SPENDING

Mr. SESSIONS. Madam President, government funding is set to expire next week on April 8. We are in the midst of the 2011 fiscal year that ends September 30, and the Congress has only appropriated money through April 8. If Congress does not act by that time, the government would shut down.

Congress needs to act, but Congress needs to listen to the American people and listen to the financial experts whom we have dealt with and reduce spending and reduce the surging deficit we face this year, last predicted to be \$1.4 trillion. Nothing has ever been seen like it before, and it has to be addressed. There is no way around it.

So we have this deadline hanging over our heads, and the reason is, my colleagues in the Democratic leadership in the Senate will not agree to the kind of substantial but realistic spending reductions the House of Representatives has sent to us. The House has sent us a budget plan that I think will work. But what we hear is, the sky will fall if we trim the \$61 billion from a \$3.7 trillion budget—\$3,700 billion that we spend—if we reduce that spending by \$61 billion, somehow this will cause the country to sink into oblivion.

The American people know better than that. That is not realistic. Of course, we can cut those kinds of numbers out of this huge budget we have, and the American people will be better off for it.

As ranking member on the Budget Committee, I have looked at the numbers, and that \$61 billion reduces the baseline of Federal spending by \$61 billion this year, but over 10 years—because it is a baseline reduction—it would save \$860 billion. This is the kind of small but significant step that does make a difference.

People say: It does not make any difference. Why don't we just increase spending? Why do we cut spending at all? Of course, we have to reduce spend-

ing. The American people know the borrowed money and overspending of the past 2 years have failed to produce what it promised. Instead, all that has been achieved through this massive surge in Federal spending, through the stimulus package and other programs, is a crushing debt burden that weakens our economy and is a drag on our economy, as expert witnesses have told us. It threatens our economic future. Alan Simpson, former Republican Senator, and Erskine Bowles, formerly the Chief of Staff to President Clinton, were appointed by President Obama to cochair the debt commission. The fiscal commission reported to us, and jointly they submitted a written statement that said if the United States fails to act, it faces "the most predictable economic crisis in its history." This is a real warning. They said such a crisis could arrive in as soon as 1 or 2 years.

People have been saying: Oh, we are on the wrong track. If we do not get off it, in 3 or 4 or 5 years, we are going to have a crisis. More and more people are warning us that crisis is sooner. Mr. Bowles said: In 1 year, give or take a little bit, we will have a crisis. Mr. Simpson said: I think within 1 year.

The American people rightly expect their elected leaders to confront this threat with seriousness and candor. But the President has never once looked the American people in the eyes and told them the truth about the financial crisis we face. Has he ever discussed those kinds of words with the American people, that we face an actual crisis? We could have a debt problem that hits us very quickly, just like the one in 2008 that put us in a deep recession. We are in a fragile recovery now, and we need to keep that recovery going. The last thing we need to do is have another recession, or some sort of other financial collapse that puts more people out of work and weakens an already struggling economy. It is not necessary this occur.

The President and his Budget Director have, instead of being truthful with us, falsely boasted to the American people that under their budget we will "live within our means" and "not add more to the debt" and that "we're not going to spend any more money than we're taking in." He submitted his 10-year budget to the Congress, and that is what he says his budget will do. But not one of those statements is true—not one.

When the budget was announced, Mr. Bowles, whom the President appointed to head the debt commission, said it is nowhere close to what we need to be doing to get our house in order. In fact, the Congressional Budget Office finds this: that our annual deficits never once fall below \$748 billion. I was saying \$600 billion before based on the President's estimates of his budget. Now the Congressional Budget Office has done an independent analysis of the President's budget, and they say the lowest single annual deficit, in 10 years, would be \$748 billion.